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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,803	12/31/2001	Jack Brass	213899.00004	7343

27160 7590 03/21/2003

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EXAMINER

LEE, GUIYOUNG

ART UNIT PAPER NUMBER

2875

DATE MAILED: 03/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/029,803

Applicant(s)

BRASS ET AL.

Examiner

Guiyoung Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because Abstract should be brief, *no longer than 150 words*, and on a separate piece of paper. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 26-31, 61-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 26-28: The limitation in claim 25 discloses a lens. However, the limitations in claims 26-31 indicate a plurality of lenses.

Re claim 28: The phrase in claim 28 "the individual beams have an angular diameter greater than any angle between any two axes of said beams" are indefinite. There is insufficient antecedent basis for the limitation "the individual beams" in the claim. Furthermore, neither specification nor any drawing teaches or discloses any angle between any two axes of said beams.

Re claim 31: The phrase "the center of the area" is indefinite. There is insufficient antecedent basis for the limitation in the claim.

Re claim 61: The phrases "their associated light emitting diodes" and "its associated light emitting diodes" is indefinite. There is insufficient antecedent basis for the limitation in the claim.

Re claim 62-63: The phrases "the beam components" and "its associated light emitting diodes" is indefinite. There is insufficient antecedent basis for the limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-12, 21-27, 29, 32-37, 46-51, and 57-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper et al. (USPT 6,491,408 B1).

Re claim 1-12, 25-27, 29, 32-37, 51, and 57: Cooper teaches an LED inspection lamp having LEDs (28 in Fig. 5A), lenses (16), a handle (20) having the same or the different longitudinal axis with the inspection lamp (Fig. 3 and Fig. 5A), and battery cells (37), where at least one of the light emitting diodes has a peak emission wavelength in the range of 425 to 480 nm (col. 2, lines 32-40) and at least one light emitting diode has a peak emission wavelength in the range of 360 to 430 nm (col. 2, lines 23-31).

Re claims 21-24: Cooper, further, teaches a light emitting module suitable for replacing the bulb of a flash light (col. 6, lines 14-24).

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Re claims 58-60: Cooper teaches a lens assembly hat is movable to permit adjustment (col. 4, lines 40-50).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-20 and 38-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper as applied to claims 1 and 25 above, and further in view of Dalton et al. (USPT 5,806,961). The teachings of Cooper have been discussed above.

Re claims 13-20 and 38-45: Cooper does not teaches an external power source such as a source of alternating current or one or more rechargeable cell having rechargeable means. Further, Cooper does not disclose means to control the amount current such as a resistor. However, Dalton teaches a rechargeable flashlight having a recharging circuit with a resistor (Fig. 16) that is connected to an AC power. It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute Dalton's rechargeable supply unit with Cooper's battery unit in order to add a rechargeable function to Cooper's lamp.

8. Claims 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper in view of Sommers et al. (USPT 6,485,160 B1).

Re claims 52-57: Cooper teaches an LED inspection lamp. Cooper does not teach a lens adaptor having a lens housing and lens. However, Sommers teaches a lens adaptor (34a-34c in Fig. 1) having a lens housing and a lens. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ Sommers' lens adaptor having a lens housing and a lens into Cooper's lamp in order to superimpose radiation passing through all lens from the LEDs to a target area, as suggested by Sommers (See Fig. 10).

9. Claims 65-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper as applied to claim 1 above, and further in view of Brown et al. (USPT 6,142,650). The teachings of Cooper have been discussed above.

Re claims 65-74: Cooper does not teach a laser diodes or a cylindrical lens. However, Brown teaches a flashlight having a laser diode (48 in Fig. 1) and a cylindrical lens (54 and 56 in Fig. 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute Cooper's LED and lens with Brown's laser diode and cylindrical lens in order to form a coherent beam pattern as taught by Brown.

#### *Allowable Subject Matter*

10. Claims 28, 30-31, and 61-64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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11. Claims 28, 30-31, and 61-64 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art of record, Cooper and Sommers, teaches a LED inspection lamp for detection of fluorescent materials having a variety of circuit components and lens assembly, the prior art of record does not teach the LED-lens combination as taught in Specification (page 23) in order to in order to concentrate and superimpose the beams to form a "spotlight".

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Guiyoung Lee** whose telephone number is **(703) 308-8567**. The examiner can normally be reached between the hours of 8:00 AM to 3:30PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for this Group is (703)872-9318 (before final rejection), (703)872-9319 (after final rejection). The Right Fax phone number for the examiner is (703)746-4766.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**Guiyoung.lee@uspto.gov**].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or*

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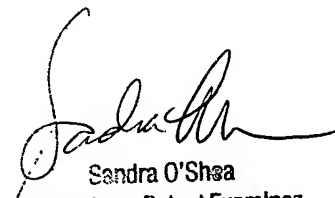
*exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

GYL

GAU2875

March/12/2003

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800